G. R. S. 59] GFB—15,000—20 12 13

GENERAL AND REVENUE SECRETARIAT.

1902-3
(Judicial)
police.

P-70

File No. 26-02

Serial Nos. 1-6

~~**Papers Filed.**~~

B

Month April 03

SUBJECT.

Appeal of Duffedar Sidduka of the Baorikalli Station Chitaldrug Taluq.

B Ramanna Rao

PREVIOUS REFERENCES.	LATER REFERENCES.
	Count - nil

SECTION Police

FILE No. 2/ of 1902

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

SERIAL No.

(Full Office Note.)

Subject. Appeal of late 2nd grade Duffedar Mahomad Abdulla of the Bastihalli Station Chitaldrug Taluk, against his dismissal by —

Petition dated 2 3rd October 1902 from Mohamad Abdulla of the Bastihalli Station, appealing against the order of the Inspector General of Police dismissing him from service

Note.

In his Petition dated 2nd October 1902, Mahomad Abdulla late Duffedar, Bastihalli Police Station, Chitaldrug Taluk, stated that in connection with a case of suspected dacoity he was suspended along with the Duffedar and a Constable of the Vijapur Police Station and subsequently dismissed without proper enquiry and on the more coloured representation of the upper Subordinates of the Chitaldrug Taluk Police and that the Offg. Inspector General of Police ordered the dismissal of the Duffedar and

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* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

† 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

of the Constable above
referred to, but did not order
the his (the Petitioners') reinstate-
ment. The present Inspector
General to whom the Petitioner
appealed, issued an endorsement
to the Petitioner to the effect
that "the question of punishment
awarded to him has been
finally disposed of by the
offs. Inspector General of Police
and that he declines to
reopen his case".

Against the above order
the Petitioner has appealed to
this Court. He says that he has
put in 26 years' service in the
Police Deptt and prays that
his reinstatement may be
ordered.

The Inspector General
of Police to whom the above
petition was forwarded
for a report with records,
now submits a Memo from
the Assistant Supdt of Police,
Chicalacug, setting forth
the part played by the Appellant

Mahamad Abdulla in the Hirikabbi-gere' dacoity case in connection with which he was dismissed from service.

The facts given in the Police Report's Memo disclose a most deplorable case of Police Torture, which there are strong reasons to believe, ultimately ended in the death of one of the unfortunate victims of the torture. The following is briefly the facts of the case, showing the connection of the appellant, Mahamad Abdulla, therewith:-

In connection with the Hirikabbigere' dacoity which occurred on the 20th October 1901, the Police of the Chitaldrug Taluk arrested one Era and 5 others, but the arrest of the former was not reported to any Magistrate. Era and his niece, Eri, were kept under Police custody from the 21st to the 24th idem. The statement of certain persons recorded

recorded by the Police Asstt. Supdt. and Inspector Sri Narasimha Sastri, clearly prove that the said Era and Eri were tortured at the instance of Inspector Venkatappa to confess their guilt and to produce the stolen property. Era and Eri were subsequently sent to Vijapur enroute to Basavanabankere in charge of the appellant, Duffedar Mahamad Abdulla, on the 25th idem in order to secure Rs 30/- which Era said had fallen to his lot in the dacoity. When Era, with the Duffedar and another Uppar Hooga, reached Basavanabankere, he (Era) went twice or thrice to the village to fetch the money he promised to produce, but returned empty handed. It was then that the appellant, Duffedar Mahamad Abdulla, (according to the version of witness Hussain Sab) instigated

Vide para 24, 25 & 39 of the Memo. & also pages 60 to 30, 1027 of the Remanded Records.

* para 39 of the Memo.

The medical evidence goes to show that the deceased met with his death from internal hemorrhage caused by external violence applied to the muscles of the front of the trunk and limbs either by blows, kicks, compression etc. That the deceased and the other accused in the case were tortured in the presence of the Inspector Venkatoppa Appadu Venkatramayya and Constable Mohamad Imam is clear from the statement of the prisoners and other witnesses. But the appellant, Duffedar Mohamad Abdulla, is immediately connected with the death of Era as he went in charge of him to recover the property and was not seen alive afterwards. The Inspector General is of opinion that a strong suspicion thus attaches itself that the death of Era must have been

Vide paras 28 & 30 of the memo

been caused by injuries
inflicted on him by, or at
the instance of the Appellant,
or at least that the Duffedar
knows more about Era's death
than he is willing to disclose.
The Inspector General further
states that his predecessor
to whose notice, the Conduct
of the Police Officers and men
was brought, let off the Inspector
with a mere warning and Con-
-firmed the orders of the Dy.
Commr of Chittaldrug, as regard
others, viz, the re-instatement
of Duffedar Venkatramaiya
and Constable Mahamad
Imam after 5 months suspension
and the dismissal of the Appel-
-lant Mahamad Abdulla.
The Inspector General is of opinion
that none of the Officers con-
cerned deserve any consideration
and that on the contrary,
with a little more searching
enquiry, all the Police Officers
could have been prosecuted
at

of Court for torture and
wrongful confinement.

The orders of the Dy. Comr
of Chitaldrug on the Police Asstt
Supdt's memo, and the other records
promised by the Inspector General
have not been received. It
is not certain whether these are
quite necessary for the disposal
of the present appeal, the Police
Asstt. Supdt's memo & the Inspector
General's report being very guarded
exhaustive and clear. However
a draft calling for the above
papers is put up for appl
or other orders.

20/8/03. Submitted to Secy
with a draft for approval
calling for further report

20/8/03

Issue thus

24/8/03

The records since received are put up - 23/8 Vide Secy's No 5811 dated 24/8/03 11/9/08

The papers do not contain any further important information except than what is above stated. In the Deputy Comrs order now submitted it will be observed that he (the Dy Comr) states that he is morally convinced

that Era's death was caused by the ill-treatment he received at the hands of Nooga and Basava to whose mercy he must have been left by Duffedar Mahammad Abdulla with the object of getting him to produce his share of the stolen property, & that there is no direct evidence on this point, the evidence of Naga, Hussain Sabi and Mallappa being insufficient to support a case of murder or culpable homicide against Nooga.

The version given by the ex-Duffedar as regards Era's escape from his custody is that at about 9 o'Clock on the morning of the 26th October 1901, Era went into the village 'Basavanneerankere' promising to fetch his share of the money obtained in the dacoity, leaving his kambli in the 'Devasthanam' which he had slept the previous night, but did not return. His statement is not supported by any witness.

That is in the Remand Records.

Submitted for orders

14/4/03

14/4/03

SECTION police

FILE No. 96-02

SERIAL No. 1

1902 J 580

No. 1124

Name of Petitioner Mohamad Abu late 2nd Grade Duffedar off. Bas Police Station. Bhatkal Taluq

Village c/o. T. Abdul Karim Dy Conservator of For Bangalore

Taluk

District

Date of Arzi 23-10-02

Date of Receipt 24 10 02

Date of Disposal

No. of Enclosure 2

Verb

May this be returned for submission through the proper channel.

Sd
5-11-02 Sen & Jud D

5/11/02

Draft Filed
Sd
10/11

ABSTRACT

Appeal against Forest Conservator Generals Endorsement No 14[illegible] dt 5/10/02 declining to reopen petitioners case which runs as follows.

" In reply to this petition dt 2/11/02 appealing against the order of his dismissal Mohamed Abdulla, 2nd Duffedar of Bastehalle Station is informed that the question of punishment awarded to him was finally decided by

of Police and that the undersigned
[illegible] respectfully [illegible]

The petitioner represents as follows:-
The petitioner had put 26 years
service in the Police Deptt in the
capacity of a Duffadar. He was
suspended along with the Duffadar
and Constable of the Vijapur Police Station
- a case of suspected dacoity, and
subsequently dismissed without proper
enquiry on the mere colorable
representation of the upper subordinates
of the Chital darbar Sahib.
When the Offg: Inspector General
of Police had been to Chital darbar soon
after he ordered the reinstatement
of the Duffadar and Constable
of the Vijapur Police Station, whereas
the petitioner who was not present
there at that time owing to the prevalence
of plague to represent his case, was
not reinstated and did not
know anything about his case till
he received the order no 2850 dt
4/4/02 from the Police Officer
at Chital darbar.
The petitioner thereupon appealed
to the present Inspector General
of Police, received an endorsement
no 1437 dt 5/10/902 (copy of which
is sent) declining to reopen the
petitioner's case.
The petitioner who is about
50 years of age has no other
means of livelihood and for himself and
his family.
It is therefore humbly prayed that the case
connected with his case be perused
and his reinstatement ordered

By Insp Genl
24.10.02
To

1124R.
24-10-1902.

H. V. Venkundyya Esqr. all. Assistant
Secretary to Govt. of Mysore, General & Rev: D
Bangalore.

The humble appeal-petition of Mohan
Abdulla, late 2nd Grade Daffedar of the Bastih-
Police Station, Chitaldroog Taluk, most humbly &
2 Enclosures respectfully sheweth :—

1124

(1) That your Petitioner had put in about 26 yrs
Service in the Police Dept in the Capacity of a Daffedar
when in Connection with a Case of suspected dacoity
he was suspended along with the Daffedar & Constable
of the Vijapur Police Station & subsequently dismissed
without proper inquiry from some colored repre-
sentation of the upper subordinates of the Chitaldroog Taluk.

(2) That when the Offg: Inspector General of Police
had been to Chitaldroog on tour, he was kind enough
order the reinstatement of the aforesaid Daffedar
Constable of the Vijapur Police Station where your
Petitioner who was, owing to the prevalence of Plague
living then in a village far off from Chitaldroog
not able to represent his Case to the Inspector &
was not similarly reinstated and did not know
Thing about his Case till he received the order no.
dated 5.4.02 from the Police Office at Chitaldroog.

(3) That the Petitioner having appealed to the Pol
Inspector General of Police received endorsement
1437/72 dated 5th October 02 whereof Copy is submitted
herewith declining to reopen the Case as it had been
passed of by his predecessor in office.

(4) That the petitioner who is about 5-8

he has no other means of livelihood for himself and his large family and

(5) that he prays, therefore, that the records bearing on the case may be kindly perused and his reinstatement ordered and

(6) that your humble petitioner will for this act of justice & favour ever, as in duty bound, pray for your long life and prosperity.

Bangalore
23rd October 02

(Sd) Mohamed Khalla.

c/o
S. Abdul Karim Sahib Esqr.
Deputy Conservator of Forests
Bangalore

Confs

5

To

Rai Bahadur C. Ellappa Esq
Inspector General of Police in Mysore

The humble appeal petition of Allavva,
Hatalla, Police 2nd grade Daffedar of Nilihalli police
Station ~~Chitaldrug~~ ~~District~~ Harihar, most respectfully shewes

(1) That there was a murder-dacoity in the village of
Thelgeray. The petitioner reported the matter to the Police
Inspector Rao Venkatappa then and there; and returned
to the spot immediately. He (Inspector) came afterwards
and made an enquiry privately. He then took Gopar Veera
with him to Vijapur, beyond the petitioner's jurisdiction
where also he held private enquiry as before. He then
ordered the petitioner to simply accompany Gopar Veera
to the village of Basvan-Sivenkere and bring him back
with money which he was going to get from the villagers.
As it was 5 p.m. then, the petitioner told the Inspector
that being alone he could not accompany Veera at that
late hour, to which he said, "As it is not understood
he is free; therefore there is no necessity to have any
extra men with you. You should go alone, so that the
people may not suspect anything and Veera may not
be frightened." The petitioner, therefore, obeyed the
order to the very letter and reached the place Basvan
Sivenkere about 8 p.m.

(2) That the next morning (on 25.10.01) I went
into the village 2 or 3 times and returned saying that the
person whom we wanted could not be found. We went
as before, but never returned. The petitioner's work

several hours but he ran away. Thereupon he went in search of Veera but could not find him anywhere.

(3) That the petitioner personally reported the matter to the Inspector who said, "Try to find him again to morrow and report the result to me at Vijapur". The petitioner searched accordingly & then went to the village of Vijapur when the Inspector himself told the petitioner that Veera had hanged himself. The petitioner replied that he did not know anything about it. To which he said, 'Never mind. He was not under arrest and so we are not at all responsible for him."

(4) That in order to throw the blame upon someone or other the Inspector brought the petitioner's dismissal Copy whereof is herewith submitted for your honours' perusal.

(5) That the petitioner entered the police dept. in 1876 and has ever since been doing his duty sincerely & to the satisfaction of his superiors. As he is now on fifty years of age, he sees no other means of earning his livelihood. He has to support a large family. He prays, therefore,

(6) That the record may be kindly perused and his reinstatement ordered. For which act of justice & generosity the petitioner will, as in duty bound, ever pray for your honours' long life & prosperity.

Yours &c

Bangalore
24/9/02

(sd) Mohamed Abdulla.

No: 11437
72

Endorsement

In reply to his petition dated 2nd September 1902 appealing against the order of his dismissal Mohamed Abdulla 2nd grade & Peon of Bantikalli Station is informed that the question of punishment awarded to him has been finally disposed of by the Offg: Inspector General of Police and that the undersigned declines to re-open his case

Office of the Inspector General of Police in Bangalore
Dated Bangalore, 5 October 1902

(Sd) C. [illegible]
Inspector General of [illegible]

8 (2)

GOVERNMENT OF MYSORE

SECTION Police

FILE No. 26-02

SER'AL No. 2

MYSORE DEWAN'S OFFICE

JUDICIAL DEPARTMENT.

No. J654 Rec'd 8/12/02

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1124 dated 23rd October 02 received at the Dewan's Office from Mahomed Abdul late 2nd grade Duffedar of the Bastihalli Police Station, Bhitalorug Taluk, appealing against the order of dismissal passed by the Inspector Gl of Police is forwarded, together with its ~~enclo~~ enclosures, to the Inspector Gl of Police in Mysore, for favour of a report & records.

By order,

for Secretary.

BANGALORE,

The 189

Office of the
Inspector General of Police
in Mysore

Dated Bangalore 19 February 1903.

No: 4766/283 of 1902/3

Enc: 1

1903.
J 2032
SECTION Police
FILE No. 26-02
SERIAL No. 3

From

C. Madiah, Esquire, Rao Baha
Inspector General of Police in Mysore

To,
H. V. Nanjundayya, Esquire, M. A., M. L.,
Secretary to the Government of Mysore
General and Revenue Departments

Sir,

With reference to your Official Memo No: 8211/J-654 dated the 12th November 1902 forwarding for report petition dated 23rd October 1902 from Ex Daffedar Mahomed Abdulla of the Bastihalli Station, Chitaldrug Taluk, appealing against the order of his dismissal,

I have the honor to submit herewith for information Memo dated 21st December 1901 from the Assistant Superintendent of Police, Chitaldrug District, in the orders of the Deputy Commissioner thereon, and to state as follows:— This has not been received

From the facts set forth in the enclosed memo, it appears that in connection with the Hirikabbigere Dacoity Case of the 20th October 1901, the Police of the Chitaldrug Taluk arrested one Era and 5 others, but the arrest of the former was not duly reported to any Magistrate. Era and his niece Eri were kept under Police Custody from the 21st to the 24th idem. The Statements of certain persons recorded by Mr. C. Narayana Rao, Police Assistant Superintendent and Inspector Sri Narasimha Sastry clearly point to

to the said Era and Eri having been tortured at the instance of Inspector Venkatappa to confess their guilt and to produce the stolen property. Era and Eri were subsequently sent to Vijapur, enroute to Basavan Siwan here in charge of the appellant Daffedar Mahomed Abdulla on the 25th idem in order to secure Rs 30/- which Era said had fallen to his lot. When the parties i.e. Era, the appellant and one Appar Muga reached Basavan Siwankere, Era went twice or thrice to the village to fetch the money he promised to produce but returned empty handed. It was then that Daffedar Mahomed Abdulla (according to the version of witness Hussain Sab) instigated the said Muga to kick Era from the effects of which violence Era fell down and got up again.

Evidently annoyed at

the

the unsuccessful attempt to
secure the property, Era the unfortunate
victim, seems to have been tortured.

On the night of the 26th idem,
the appellant returned alone to
Vijapur and reported to the Inspector
that Era had escaped leaving his
cumbly behind. No satisfactory
explanation from the Daffedar
is forthcoming as regards Era's
escape. On the 27th idem a report
that the body of Era was found
hanging to a branch of a Neem
tree was sent by the Patel to the
Inspector at Vijapur. In order to
screen the appellant and his
own conduct and that of his
subordinates, the Inspector sent
an intimation of the occurrence
to the Amildar, but without waiting
for his arrival, proceeded to
the spot, held an inquest and
sent the body of the deceased for
post-mortem examination.

The

The medical opinion goes to show that the deceased met with his death from internal haemorrhage caused by external violence applied to the muscles of the front of the trunk and limbs, either by blows, kicks, compression etc. That the deceased and the other accused in the case were tortured in the presence of Inspector Venkatappa, Daffedar Venkatramayya and Constable Mahomed Emam, is clear from the statement of the prisoners and other witnesses. But Daffedar Mahomed Abdulla is immediately connected with the death of Era in as much as he went in charge of him to recover the property and was not seen alive afterwards. Thus a strong suspicion attaches itself that the death of Era must have been caused by injuries inflicted

inflicted on him by or at the instance of the appellant or at least that the Daffedar knows more about Era's death than he is willing to disclose.

The Conduct of the Police Officers and men was brought to the notice of my predecessor who let off the Inspector with a more warning and confirmed the orders of the Deputy Commissioner of Chitaldrug as regards others viz the reinstatement of Daffedar Venkatasamaiya and Constable Mahomed Emam after 5 months' Suspension and the dismissal of the appellant, Daffedar Mahmud Abdulla.

In my humble opinion, none of the Police Officers concerned deserve any consideration, and on the contrary with a little more searching enquiry, all the Police Officers could have been prosecuted at

at least for torture and wrongful confinement.

The other records have been called for from the Chitaldroog District and will be transmitted on their receipt.

I have the honor to be
Sir
Your most obedient Servant,

Inspector General of Police

8/

Enclosure to R. 3

6

— Memo —

1 Patel Hurigeppa of Byalahal, in the Chitaldroog Taluk, reported to the Basthihalli station on the 21st October 1901, that one Koppara Hooga complained to him that on the previous night some robbers attacked his house, situated close to a few salt pans near the village of Hirekabbigere, beat the inmates and carried away property valued at Rs 1570 (since ascertained to be worth Rs 279) and that the robbers had decamped by the time he and his villagers went to the spot

2. Daffedar Mahamad abdulla received the report on 21-10-01 and after submitting the First Information Report proceeded to the scene of occurrence.

3. The report reached the Inspector

on the 21st October 1901. Immediately Inspector Venkatappa hastened to the scene of dacoity and took up the investigation.

4. Daffedar Mahamad Abdulla submitted the 1st special diary and from 22nd October 1901 to 5 November 1901, The Inspector submitted 9 special diaries in the case & examined and recorded the following statements.

5. Neelavva stated that on the night of the 20th October 1901 (Sunday) at about midnight, while she was sleeping outside, and her daughter-in-law Gangavva inside the house, 4 or 5 robbers, who had attacked the house, entered the building, pulled off from her hands her wristlets and after striking a light, caught hold of Gangavva, removed her jewels, and made away with Rs 270/- worth of property — consisting of cash and jewels

Secured

secured underground. She further added that among the robbers she recognized Bomma, Bhima, and Era, 3rd 4 & 6 accused persons respectively

6. Gangavva daughter in law of the complainant stated that on the night referred to about 5 or 6 persons entered the house, and lighted a lamp; that the 1st accused Lachma caught hold of her, threatened her to point out the place where the property was secured; that on her doing so the dacoits of whom the 1st 3rd and 5th were recognised by her, carried away the property after ill treating her.

7. Oppara Mooga stated that on hearing the alarm in Oppara Neelavva's house, he came out of his house, and observing a party of 10 or 12 strong, ran to the Patel and brought him and the villagers for help.

He added that he could recognise about 4 or 5 persons from among the dacoits but did not actually identify any.

8. Patel Murigeppa of Byalahal stated that on the night of the 20th October 1901 while he and several others were witnessing Kolatam in the village, Mooga came and told him of the attack made by the dacoits and asked for help; that he forthwith took some villagers to the scene of dacoity and found that the dacoits had left the place. He further added that when he and the villagers went to the scene of occurrence the complainant was lying senseless and that after she came round she complained of the occurrence to him.

9. Basava stated that on the night of the 20th October 1901 he stepped and slept in the house of Koppara Era, and that Era

was

was absent from the house for the greater part of the night.

10. One Lakshmakka wife of Basava, corroborated the statement of Hooga above referred to.

11. On the strength of this evidence and as the complainant and her daughter-in-law recognised some of the dacoits of the latter Viz:-

1 Lakshma
2 Bedar Oba
3 Bomma
4 Bheema
5 Giria

were arrested on the 23rd idem and were remanded by the Taluk Magistrate.

12. The 2nd accused Oba made an admission that he and his associates committed the dacoity referred to, and shared the property among themselves.

13. The 6th accused Era was confronted with Neelawwa who identified him. Era also reported

to

the spot, Inspector Venkatappa held the inquest over Era's body in the presence of the Panchayatdars. There were no marks of injury on the body which was found hanging by means of a kotti and a turban cloth, which were tied round the neck. The Panchayatdars opined that Era had committed suicide on account of the disgrace to which he had been exposed by being connected with the dacoity case. The Inspector however sent up the body for Post mortem Examination which was not held immediately as no reason was assigned by the Inspector for sending up the body for medical examination. In reply to the Medical officer's query as to why the body should be examined, the Inspector wrote to him that the deceased Era was in charge of the Police Duffedar just previous to his death, it was therefore

necessary

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necessary to ascertain whether the deceased had met his death by hanging

15. On the 29th idem the body was examined. The Hospital Assistant who held the Post Mortem examination was of opinion that the appearances did not throw any light as to the death being due to hanging. He declared that the death was due to the effects of internal hoemorahage and shock consequent on violence applied to the muscles of the front of the trunk and limbs either by blows, kicks, compression, torsion or all these put together.

16. On receipt of this certificate the case was registered under Section 304 I.P.C and a First Information was submitted to the Magistrate on the 30th October

got been received from him.

20. It may be stated that the enquiry made by the Amildar was not very searching as the witnesses have not been questioned on some of the material points in the case as their depositions recorded by the subsequent investigating officers would show.

21. On the 9th November 1901 I visited the spot and examined the following witnesses.

1 Eri
2 Era
3 Balaga
4 Laubani Lachma
5 Oba
6 Bomma
7 Bhima
8 Patel Mallaiya
9 Mala
10 Gurewa
11 Mara
12 Thambonye Muliappa
13 Naiga.
14 Giriya
15 Basappa.

property with Eri ; that Eri had denied the fact; that as Era had subsequently promised to show the property near Basavaneswankere he was sent with Daffedar Mahamad abdulla to Basav-au- -Siwankere who returned on the 26th night saying that Era had gone some where and would be returning the next day; that no restraint had been put upon the deceased at Basavau Siwankere and that Era had such a high sense of respectability that he must have been lead to commit Suicide because he was suspected of having committed the dacoity 19. Beyond recording these Statements the amildar has given no opinion on the case. He has merely noted in his last diary that he has left informants to find out the cause of Era's death. No final report has

but

October 1901. 95

17. The Inspector and the Amildar went to the spot. The latter held the investigation recorded & submitted 3 diaries on 28.10.01 3.11.01. and 5.11.01.

18. The Amildar at first remarked in the Station House diary dated 28.10.01 that he found no reason to suspect the cause of death. But in his subsequent diaries, submitted after he was ordered to investigate the case, he has merely recorded the statements of certain witnesses who have stated that the deceased Era was sent for by the Police on the 21st and Eri on the 22nd October 1901 in connection with the dacoity case; that in consequence of the Police beating the deceased the latter had stated that he had deposited Rs 30/- his share of the dacoited

proper

22. On Eri, the niece of the deceased stated the following facts:

23. That her uncle and herself were sent for by Inspector Venkatappa to Dodda Kabbigere from Basavanasivankere on the 21st and 22nd October 1905 in connection with the dacoity case;

24. That they were both threatened, beaten, and asked to produce the property lost in the dacoity case.

25. That they were detained at Dodda Kabbigere till the 24th idem and sent on to Vijapoor sub station guarded and hand cuffed and then tortured by hanging Era up to a beam to a beam in the chatram by means of a coir rope

26. That on Era promising to show the amount he was taken to Basavanasivankere by Daffedar Mahamad abdulla and detained

and that in the afternoon the Daffedar gave information of Era's disappearance and asked him to detain him if found.

33. Jalari Malla has spoken to the effect that he took Era and his niece to the Inspector on the 21st and 22nd Oct 1901 — respectively to Dodda Kabbigere.

34. Guruva has stated that at about 6 P.m on the 26th October 01 he saw the deceased Era and Hooga Conversing near the Saltpans.

35. Mara stated that on the evening of the 26th October 1901 when he went to Patel Murigeppa at Byalahal he learnt about the arrival of Daffedar Mahamad abdulla at that place.

36. Thambogue Huliappa of Chilangi has stated that he saw Doppara Era standing and talking to Patel Kariappa at

27 That she was let go on receipt of information of Era's death.

28. That there was said between her uncle and Mooga and Era the younger brother of the deceased who had returned from Bellary on the 28th October 1901 after the death of his brother Era, stated that his brother Era, was not in good terms with Mooga and Kallappa complainant in the dacoity case as Mooga would not pay up his debts due to the deceased.

29. (3) Balaga stated that he was taken to Basthikalli and asked to produce the stolen property; that on his removal to Vijapur he saw Era being hung up and flogged by Daffedar Venkataramanaiya with a belt and that Constable Mahamad Imam was helping the Daffedar;

and

and that he invited Venkata -
Ramanaiya by giving him Rs 11/8
to escape further torture.

30. Lambani Lachma 1st accused
in the Dacoity case corroborated
the statements of Balaga & Eri
and added that he too had been
hung up and beaten for the
same purpose.

31. Oba, Bomma, and Bhima
2nd 3rd & 4th accused persons in
the Dacoity case, stated that
Lachma was detained in the
Chutaan along with Eri and
the deceased Era.

32. Patel-Mallaih of Basavan-
-Sirunkere and one Basappa,
a leading ryot, stated that
Cuffedar Mahamad Abdulla and
the deceased came to Basavan-
Sirunkere on the night of the
25th October 1901 and were seen
moving about the village till
the afternoon of the 26th idem;

At about 1 Pm on the 26 October
1905 at Chilagi

37. One Naga of Chikkabigere
stated that in the evening when
he was going to bring his buffaloes
from the field on the 26th idem,
that near the Saltpan he saw
Gopsara Ena & Mooga at a
distance of 20 yards quarrelling.
That on his return he saw them
still there and heard Mooga telling
Ena that though he might get
out of the clutches of "Sircar"
he would be sent out of caste,
and that he went home advising
them not to quarrel there.

8. Inspector Narasimha Sastry
who was sent on special duty
examined the following witnesses
besides those already examined
by me.

1 Pinjari Hussain Sab son of
Honnur Sab.

2 Malappa.

3 Constable Gulam Mohideen.

4 Pujari Nanuma

5 Gouda Erappa of Vijapur

6. Hatte Hanuma

7. Talawar Ola

8. Patel Imrigeppa

39. Hussain Sab Stated that he had made two shoots at the order of one Edigar Veerabappa for his bulls in the village of Chikkahennur; that on his way back from Chikkahennur he passed by the said Appas on the evening of the 26th Oct 1901, that there he saw Daffedar abdulla sab, Appara mooga, Basava, and the deceased Era & the former demanding Rs 30/- from Era. Era was saying he had no money. Mooga and Basava were telling the Daffedar that as Era was dodging from the day previous he should not be let go. Daffedar abdulla sab then told mooga to kick

Era

Era not to make any noise -
Mooga did so. Era fell down
and got up again.

40. Mallappa of Chikkabbigere
Stated that on the morning
of the 26th October 1901 he went
to Bharmasagar to get some
paddy and was returning to
Chikkabbigere in the evening.
Between the two gardens near
Basavan Sivankere he saw Appana
Mooga and Basava at a
distance. He questioned Mooga
why he was there. He was
told he had business. At a
little distance off he saw
Daffedar Abdulla Sab-Sta
It was then about 7 P.m
and there was moonlight. He
went away thinking that
they had all come there in
connection with the Dacoity

case

case. When he learnt about
Era's death he told the above
fact to the Shanbogue.

41. Constable Gulam Mohadeen
stated that on the 25th ultimo
he heard Era admitting his connection
with the Lucoily case and promising
to give up his share of the property
and that the Inspector sent over
the said Era with abdulla Sab
to get the money and that on
the night of the 26th idem abdulla
Sab returned with a Horse belonging
to Era.

42. Talwar Voba of Basawan Sivankere
stated that when he was returning
from his field Daffedar
abdulla Sab asked him at about
supper time to come with him
to Byalahal, that he did so and
returned in the night.

43. Patel Merigeppa of Byalahal
stated that at supper time
he was told by Talavar Voba
about the arrival of abdulla Sab. that

he

he met the latter and questioned him where Era was and that the Daffedar replied that Era was at Basavan Sivan kere and that the Daffedar took meals in the Patel's house and went away to Vijapur.

44. Pujari Hanuma spoke to the discovery and identity of deceased Era's blanket (Exh 8).

45. Gowda Erappa of Vijapur stated that he went to Basavan - Sivankere on the 26th October 1901 in search of bulls. Before noon he saw in Basavanna's temple Daffedar Abdulla Sab, Hooga, Basavu and Era. The Daffedar was demanding money from Era who was denying all knowledge of the same at first but subsequently promising to pay the same somehow if permitted to go into the village. Hooga and Era then took Era to get the money as directed by the Daffedar.

46. Hatte Hanuma stated that on the 26th October 1901 at about

about 4 P.M. while he was going to his relations at Walawagoda via Chikkabemmur he met Mooga Basawa, & Era returning from Chilaugo side and going towards Basiwau swamiere. That he questioned Mooga as to where he had gone and heard him say he had business at Chilaugo

47 No further evidence is available in either the Dacoity or the culpable Homicide case.

48. In the former case as no stolen property or any part of it was recovered and the evidence that was forthcoming being insufficient the accused were enlarged on their own recognisance and the case is therefore still pending with the Police.

49. As to the case of culpable Homicide there is the direct testimony of 3 persons Naga, Hussain Saib and Mallappa.

The 1st says that he saw Mooga and Era quarrelling on the evening of the 26th October 1901.

The 2nd says that he saw the

Duffadar

Daffedar, Hooga and Basava near
the Salt pans on the 26th morning —
actually leading Era to hand over
the money.

50. The 3rd says that he observed
Hooga, Basava and the Daffedar
near the place where the body was
found hanging.

51. In the absence of any other
evidence about the immediate cause
of Era's death and subsequent hanging
of the body, much stress cannot, I
submit, be laid on the foregoing
direct evidence which is not sufficiently
corroborated. Era whose death is
attributed to violence as applied
to the muscles of the front of the
trunk and limbs, there is only —
evidence of the use of violence nearly
4 days previous to the discovery of
the dead body and that too not as
applied to the front of the trunk.
~~[illegible]~~ The hoi morrhage
referred to in the Post Mortem —
Certificate would have been more
the result of violence caused

immediately

immediately previous to death and not of violence used some days back. But the facts elicited till now clearly point out that Inspector Venkatappa Daffedars Mahamad abdulla and Venkataramanaiyya and Constable Mahamad Emam were at fault in wrongfully detaining & confining the deceased Era and his niece Eri for no arrest report has been sent up in either case.

52. Inspector Venkatappa was asked to explain why he did not proceed to the scene of suicide soon after he received information of the alleged suicide of Era; why he did not wait for the arrival of the Taluk Magistrate to hold the inquest under sec: 176 of Cr. P.C and why no arrest report was sent up as soon as Era was given over to Police Daffedar

53. The Inspector has explained that on the evening of the 26th October 07 at about 4 P.M when he received the report regarding Koppara Era's suicide he had 2 of the accused persons Lachma and Somma

with

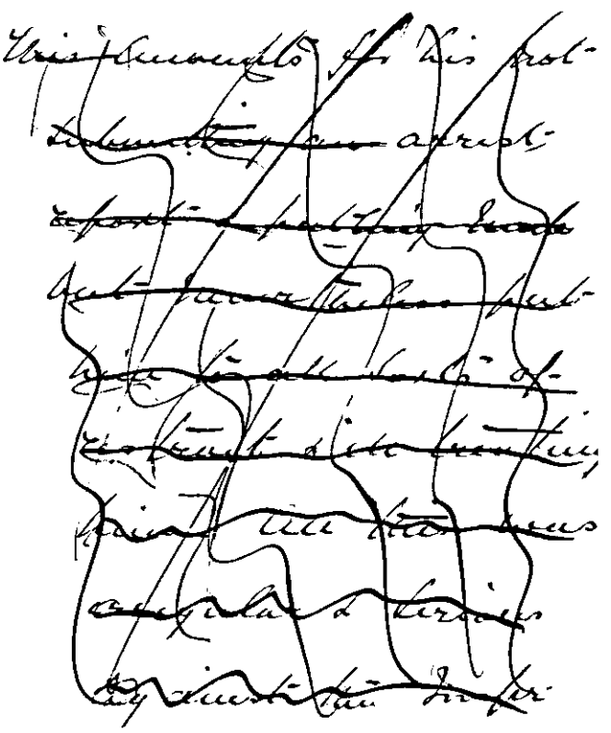
when his proper duty pursuit, his subordinate officers who were acting under his orders cannot be held responsible. If at all, either of them should be punished or held

90-

to with him at the time and that
as he feared they would get frightened
and run away he took them straight
to the Vijapur station and sent
Daffedar Venkataramanaiyya
to look after the body till his
arrival in the morning. As the
death of Era had occurred immediately
after the man was said to have
left the Police he thought it
advisable to subject the body
for Medical examination. On the
27th night he wrote to the Amildar
about the occurrence and went
to the Scene on the 28th morning
and held the Inquest in presence
of the Panchayatdars as he
Considered that any delay in the
arrival of the Amildar at the
spot might lead to bring about
decomposition of the body and
thus prevent the formation of
a Correct opinion regarding the
Cause of death. He further added
that as he did not believe Era's

Statement

statement that he would show
properly he sent him with two
literate old and experienced Duffedar -
Mahamad Abdulla - with
instructions to arrest him if Era
produced the property and to
take possession of the same
regularly. The Duffedar never
brought Era again and so the
arrest was not reported.



54. Duffedar Mahamad Abdulla
stated as follows:-
That on the 21st October 1901
information of the Deceity in
the house of Neelavva reached
the station. After the despatch
of the H. I. Report he went
to Kabbigere enquired the Patel,
and Neelavva and submitted a
Special diary. On the 22nd
idem while he was further
enquiring Neelavva Jalari Malapa
came and took him to the
Inspector who was at Kabbigere.

After

After reporting every thing to the Inspector he followed him to the Scene of dacoity & back to Kalbigere where he was ordered to stay. Neelavva was sent for by the Inspector to Kalbigere for enquiry. The Inspector sent for Bhima, Aba, Lakshmaya and Appara Ena through Jalar Bhima on the 22nd October 190, to Kalbigere. All these people stayed there on the 22nd & 23 and on the 24th idem they were all sent to Vijapur under the escort of constables Sheik ahmad and Sheik Hussain and Daffedar Venkatarawanaiya. As ordered he also went to Vijapur and put up at the Chatram for 2 days. He had been to the Station when the accused persons Lakshmaya Bomma, Bhima, Voba & Giria were in the Lock-up. In the

Chatram

Chatram the Inspector himself
Belaga Koppara Era and his niece
Eri were put up. He was not aware
who was requiring them. On the 25th
evening the Inspector told him that
Koppara Era would show property
Viz Rs 25/- and ordered him to go
with Era saying that Era was
not under arrest and that no force
should be used. Accordingly Era &
himself went to Byalahal met
the Patel there and passed on to
Basawan Siwankere where they met
the Patel Talvar and others. After
meals they all slept in the temple
outside the village. They got up
in the morning and when he questioned
Era about the money the latter
went into the village twice or
thrice and returned saying that
the person to whom he had given
the amount was not to be found.
He again went for the man
and never returned. He (the
Daffedar) searched for him
all

all over and not finding him returned to Vijapur with Era's blanket enquiring about Era on the way at his house, and at Byalahal. On the 26th October 1901 after supper time he told the Inspector how Era had failed to show the property & disappeared leaving his blanket (Govt). On the 27th idem he searched for Era in all the adjoining villages and returned without success in the evening when he learnt of Era's body being found hanging to a neem tree near Basavana Sivanakere. He was told by the Inspector that Era's body would be subjected to Post Mortem examination. He was ordered by the Inspector to take the accused persons in the Lacerity case to Chitaldroog and that he took them over on the 28th October in the morning. He closed his statement saying that he was a 2nd Grade Daffedar and had

put

put in 26 years Service.

56. Lo affidavit Venkatarangayya of Vijapur Station, stated as follows:-

The Police Inspector of the Chikaldroog Taluk sent him an order on the 22nd October of to Co and keep him in the detection of the Kabbigere Dacoity case. Sde went to Kabbigere took Era and Bâlaga with the Inspector on the 23rd idem to Basthi hâlli and returned the same evening to Kabbigere where I stopped. On the 24 idem he conducted prisoners Bomma, Bhima, Gjria, Lakshma, & Oba and put them in the Vijapur Lockup, while Balaga, Era, and his niece Eri who were also brought over from Kabbigere were put in the Chatram. On the 25th October 1901 aforesaid Era told the Inspector that he would give his share of the property Viz Rs 30/- if somebody was sent with him. On the

Same

Same day the Inspector sent Era with Daffedar Makamad abdulla, while the Inspector and himself set out to Chilamgi with the 2nd accused Yoba, searched the houses of Yarakalla & Madiya and returned unsuccessfully. On the 26th morning accused persons Bhima & Bomma promised to give their shares. They were also conducted to Kabbigere but with no favourable result they returned in the evening. That night Daffedar abdulla sahe returned without Era and reported to the Inspector how Era had gone away without showing any property, and how he was sure of Era turning up the next day. On the 27th idem accused persons Bhima and Bomma again took the Inspector & himself, Guttamoor Sheikdar & Vijapur Yowd to Hire Kabbigere on promise of giving property. They again disappointed them. At about 3 Pm they were all returning to Vijapur when Jakari Yoba over took them at Gollarhatty

(4 d) stated as follows.

On the 24th October 1901 I secon the accused persons Bhima, Bomma Lachma, Vola & Giria from Kalibigo to Vijapoor at the order of the Inspr and the Daffedar and that he kept watch over them. On the evening of the 25th October of the Inspector and the Daffedar brought one Joga from Chilangi and sent the latter with him (the constable) to Durgi mutt with instructions to bring certain persons whom Joga would point out. As the men were not to be found in this mutt Joga took him to Chitaldroog and failing to find the men there also returned on the 27th October 1901 and informed the Inspector as to what took place. On the 28th October 01 he accompanied the prisoners to Chitaldroog at the orders of the Inspector.

59. Considering all the circumstances of the case and the facts detailed above I am of opinion that Inspector Venkatappa got the deceased Era and his niece Eri before him at

Doddakabbigere

responsible for wrongful detention
of Era, and Daffedar Venkataramanaya
& Constable Mahamad Ghouse appear
to have used violence to the deceased
Era 3 days before his body was
discovered hanging.

62. The special diaries and
other papers, as per photo, —
Connected with the case are all
submitted for reference.

63. The confession statement
of Laubani Lakshma recorded
by the Treasury assistant-Commissioner
and 1st Class Magistrate is not
required in the Police Department.

(Signed) C. Narain Rao
Assistant Superintendent
of Police

21st December
1907.

"copy"

Deputy Commr
Inl 7/4/08

Lodda Kabbigere on the 21st & 22nd
October 1901 respectively in connection
with the Dacoity at Lodda Kabbigere.
After detaining them in that
village till the 23rd morning he
removed both of them to Vijapur
on the 24th October 1901 and handed
over Era to Daffedar Abdulla Sab
on the 25th October 1901 because
the former promised to deliver Rs 30/-
in cash admitting his complicity
in the Dacoity case. The payment
of Rs 30/- in cash by the deceased
to Police Daffedar in the way
anticipated by the Inspector
would have been of little use as
evidence against Era in the Dacoity
case: The Inspector also failed
to report the arrest of Era to the
magistrate as required by law.

On the 27th October 1901 at 4 Pm
near Gollarhatti the Inspector
received information that Era
died by hanging at Basavanasivankire
Instead of proceeding to the spot
immediately he went to Vijapur
to send information (as he says)

of

of the occurrence to the Amildar Magistrate. But before the arrival of the Amildar the Inspector held the Inquest, on the following day, over the body of the deceased Era and forwarded it for post mortem examination

60. The fact that Era died immediately after his disappearance from the Police custody is admitted by the Inspector and he has stated it as a reason for holding Post mortem examination in reply to the query from the Assistant Surgeon

61. The above facts coupled with the circumstance of torture to which Era was subjected at Vijapur as deposed to by his niece and his co-accused throw a good deal of suspicion on the conduct of Inspector Venkatappa whose indiscretion and want of ordinary precaution has lead to these deplorable results.

In my opinion Daffedar Mahamad abdulla is equally

responsible

SECTION Police

FILE No. 26-01

SERIAL No. 4

54

To.

The Inspector
General of Police
in Mysore

Dated 24.3.03
No. 9/509

The Inspector
General's letter No. 4716/283
dated 19th February
1903, submitting
a report on the
Petition of ex-Duffadar
Mahomad Abdulla
of the Bastihalli
Station, Chitaldrug
Taluk appealing against
his dismissal.

Adverting to the
above, has the
honour to request
that the orders
of the Dy. Commr.
on

on the memo of the 53
Asstt. Supdt of Police,
which has not been
submitted as stated
in the letter, may
now be forwarded
together with the
other records in
the case promised
to be sent after
their receipt from
the Dy. Comr of
Chittagong.

By order

20/5/03

21/5/3

Secretary

Inward
23/5/03

54

J 2295

OFFICE OF THE
Regd. No. 11094
13 APR. 1903
1903

SECTION Police
86-01
SERIAL No. 5

FROM C. Madiah Esq. B.A. Bala...
THE INSPECTOR GENERAL
OF POLICE IN MYSORE.

To H. V. Nanjundayya Esq M.A. M.L.
THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPTS.

Dated 11 } April, 1903
Despatched 12 }

Received

General No. 5811
No. 342

Enclosure No. 1 file of records & a copy of Dy Commr's order

Forwarding a copy of the Deputy Commissioner's orders on the memo of the Asst Supdt of Police of the Chitaldrug Dist in re the dismissal of Mahomed Abdulla and the records of the case.

Jmd
13-4-03

MGCPE—5-3-01-1000

Referred put up 16/4
Read 16/4/03

55

OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 5811/342 DATED Bangalore 11th April 1903, 12a.

Enc. 1 file of records and a Copy of Dy: Commrs orders.

FROM

C. Madiah, Esquire, Rao Bahadur,
~~THE~~ INSPECTOR GENERAL OF POLICE IN MYSORE.

To H. V. Nanjundayya, Esquire M.A.M.L
~~THE~~ SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

As requested in your docket No: J 1509, dated 24th ultimo, I have the honor to forward herewith Copy of the orders passed by the Deputy Commissioner of the Chitaldroog District on the memo of the Assistant Superintendent of Police in re dismissal of Mahomed Abdulla, late Daffedar of the Bastihalli station, Chitaldroog Taluk together with the records of the case.

I have the honor to be,
Sir,
your most obedient Servant

Inspector General of Police

Enclosure to 56
Sl 5

I visited Basavan Siouckeri and Byalahalu on the 11th November 1901 in company with the assistant Superintendent of Police

2 I had kept these papers with me till now, with the object of making further private enquiries about the cause of the death of Era. I am morally convinced that Era's death was caused by the ill treatment he received at the hands of Mooga and Basava to whose mercy he must have been left by Daffedar Mahamad abdulla, with the object of getting him to produce his share of the stolen property. As observed by the Police asstt Supt, there is no tangible direct evidence on this point — The evidence of Mooga, Hussain sabi and Mallappa is not sufficient to support a case of murder or culpable homicide against Mooga.

3. Daffedar Mahamad abdulla

no doubt knows more about the
Cause of the death of Era than
he is willing to disclose. This is but
natural as such disclosure might
incriminate him. Entrusted as he
was by the Police Inspector with
the duty of accompanying Era
who had been arrested in connection
with the Dacoity case and getting
him to show the stolen property,
he should have at least kept close
watch over him. This he failed
to do. He cannot account for
the disappearance of Era. By his
conduct, he has shown himself
to be quite unworthy of holding a
Constable's appointment in the
Police force. He will be dismissed
the service.

4. Constable Venkataram Naiga
and Constable Mahamad Emam
of Vijapur are accused of having
tortured Era and others who had
been arrested in the Dacoity case.
The statements of the persons who
were subjected to torture are valueless.
The statement of Era, the niece
of the deceased Era, on this point
must

be taken Criminal Actions.

The Daffedar and the Constable have been under suspension since 12-11-1901. I consider this a sufficient punishment for their suspicious conduct in the matter and direct their restoration to office.

5. Inspector Venkatappa failed in his duty in not reporting the arrest of Era and in not going to the scene of the hanging of Era's corpse immediately after he received information. Venkatappa is an Inspector of some standing and ought to have known his duties better. For his omissions in the present case, he will be recommended for a stoppage of promotion for two years.

6. The Amildar's enquiry was very perfunctorily conducted. Mr Puttanna who has since been transferred to Nelamangala Taluk, will be informed accordingly.

7. The Patel of Byalahalu, I am convinced, knows a good deal about

about this deplorable case but we have not been able to bring him to book. The amildar will be asked to watch his conduct closely.

/Signed/ M. Narain Rao.
Deputy Commissioner.

"Copy"
C. Narayanchar
Deputy Commr
7/4/02

60

SECTION———

FILE No.———

6

J. 1715 & 30/4/03

Endorsement

Forwarded to Mahomed Abdulla, late 2nd Grade Duffadar of the Basthalli Police Station Chickaballapur Taluk, in reply to his Petition Regd No 1124 dated 22nd October 1902 appealing against the order of dismissal from service passed by the Inspector General of Police in Mysore.

Petitioner is informed that he has been very properly dismissed and that Govt refuse to interfere

0147
Mcd
27.IV.03

By order

J 1716 & 30/4/03
Records

Secretary

23/4/03

Forwarded to the Inspector General of Police for information and return of the records herewith

29/4

Received

received with his letter
No 5-811/342 dated 11th April 61
1903

By order

23/4/03

Secretary